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REPORT

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE IN OUDH,

DURING THE YEAR ENDING 31ST DECEMBER, 1885.

ALLAHABAD:

NORTH-WESTERN PROVINCES AND OUDH GOVERNMENT PRESS.

1886.

REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE IN OUDH,

During the year ending 31st December, 1885.

No. 1898 OF 1886.

FROM

W. YOUNG, ESQ., C.S.,

JUDICIAL COMMISSIONER, OUDH,

To

THE SECRETARY TO GOVERNMENT,

N.-W. PROVINCES AND OUDH, JUDICIAL (CIVIL) DEPT.

Dated Lucknow, the 14th October, 1886.

SIR,

I HAVE the honour to submit a report, together with the prescribed returns, relating to the Administration of Civil Justice in Oudh during the year ending the 31st December, 1885, together with the original reports of Commissioners, Deputy Commissioners, District Judges and Judges of Small Cause Courts. I much regret the delay that has occurred in submitting this report. In addition to the causes of delay detailed in my report on Criminal Justice for the year 1885, I have to add that considerable delay was occasioned owing to the rent reports having been returned to Deputy Commissioners for submission to you direct. This, as you will remember, was in consequence of Dr. Duthoit's opinion that as Judicial Commissioner he had no control over the Rent Courts, save in the particular cases before him in appeal. His Honour, however, wished the rent reports to be still incorporated in the civil annual report, and the district rent reports had consequently to be re-collected, and the last return only reached this office in August.

I have already referred in the annual criminal report to the urgent need in this office of a thoroughly competent compiler, which was duly reported to you by my predecessor. The Government has hitherto (on financial grounds) not been able to comply with this request; but I must express my strong hope that the matter may not be lost sight of at the earliest possible opportunity.

2. The net stamp fees realized by Civil Courts during 1885 amounted to Rs. 4,23,469, being Rs. 47,092 below the realizations during 1884. The figures for both years are as follow :—

Income and Expenditure, Provincial Returns G. H.

Judgeship.	1884.	1885.	*Difference.*
	Rs.	Rs.	Rs.
Lucknow	1,56,582	1,24,181	—32,401
Sitapur	80,688	80,425	—263
Fyzabad	1,07,365	1,08,190	+825
Rae Bareli	92,340	71,058	—21,282
Judicial Commissioner's Court ...	33,586	39,614	+6,028

3. After the defrayal of all charges, including the cost of the Additional Judicial Commissioner and his establishment, a net surplus of Rs. 80,545 remained. The figures for the years 1884 and 1885 are here given :—

	1884.	1885.	
Income.	Rs.	Rs.	Rs.
Net value of stamps	4,70,561	4,23,469	
Duty and penalty on instruments ...	3,582	3,112	
Fines	1,090	300	
Net process fees	88,783	81,075	
Judicial record fund	34,370	35,349	
Total ...	5,98,395	5,43,305	—55,090
Expenditure.			
Salaries of officers and establishment ...	3,65,803	3,91,510	
Process serving establishment	52,509	53,319	
Judicial record fund	15,186	17,031	
Total ...	4,33,498	4,62,760	+29,262
Surplus ...	1,64,897	80,345	—84,552

ORDINARY CIVIL COURTS.

IMPERIAL RETURNS Nos. VII. AND VIII. Suits instituted (Ordinary Civil Courts).

4. The number of suits instituted in Civil Courts, other than Small Cause Courts, during the year 1885 aggregated 35,306, being fewer by 886 than the number instituted in 1884.

Value of subject-matter of suits (Ordinary Civil Courts, *i.e.*, exclusive of Small Cause Court and Rent suits).

5. The value of the subject-matter of ordinary civil suits instituted in 1885 was Rs. 7,18,150 less than the value of suits instituted in 1884. The falling off in the Judgeships of Lucknow, Rs. 7,04,881, and Fyzabad, Rs. 3,25,506, was counter balanced, to some extent, by an increase of Rs. 2,65,239 in the Rae Bareli and of Rs. 46,998 in the Sitapur Judgeships.

The average value of each ordinary civil suit was Rs. 154-10-0, as against Rs. 170-11-0 in 1884.

Description of suits (Ordinary Civil Courts).

6. The fluctuation in the kinds of suits most numerous in Ordinary Civil Courts during the years 1884 and 1885 is shown in the following comparative statement :—

	1884.	1885.	*Difference.*
Contract in writing	11,046	10,840	—206
,, not in writing	6,023	6,210	+187
On account stated	2,436	2,199	—237
Money had and received	767	663	—104
Goods sold	1,682	1,463	—219
Movable property	3,178	2,964	—214
Damages	1,734	1,546	—188
Immovable property	5,175	5,629	—454

Courts in which suits were instituted.

7. The number of suits filed in the different classes of courts during 1884 and 1885 were—

	1884.	1885.
Honorary Assistant Commissioners	3,767	3,432
Sub-Judges and Munsifs	32,645	31,791
District Judges	80	83

IMPERIAL RETURN No. IX, PART I. Mode of disposal (Ordinary Civil Courts).

8. During the year under report the Ordinary Civil Courts disposed of 36,277 suits, being 1,681 less than during the preceding year. At the close of 1884, 4,364 suits were pending, as against 4,556 at the close of 1885 :—

	1884.	1885.	*Difference.*
Disposed of without trial.			
Plaints rejected or returned	724	717	—7
Dismissed for default	6,856	6,413	—443
Withdrawn with leave	1,474	1,472	—2

	1884.	1885.	Difference.
Disposed of without contest.			
Compromised	4,303	4,162	−141
Decreed on confession	4,303	4,055	−248
,, *ex parte*	3,773	3,625	−148
Dismissed ,, ...	939	724	−215
Disposed of with contest.			
Judgment for plaintiff	9,436	9,226	−210
,, defendant	5,719	5,335	−384
On reference to arbitration.			
For plaintiff	314	393	+79
,, defendant	117	155	+38
Pending ...	4,364	4,556	+192

The number of suits dismissed for default is 17 per cent. of the number instituted, and taking into consideration that 28 per cent. of the suits filed are valued at Rs. 10 and under, I think the District Judge of Lucknow is right in inferring that in a great majority of petty suits claims are amicably settled out of court, receipt of summons being enough to stimulate the debtor to discharge his liability. The foregoing remarks apply to some extent to suits dismissed *ex parte*. I regret to see that Colonel Chamier is of opinion that in the court of Munshi Gur Parshad, Munsif, "his irregular attendance in court must account for many of the dismissals for default." I have called on Munshi Gur Parshad to furnish any explanation he may have to offer on the subject.

The heaviest pending files in Munsifs' Courts were at Bahraich, Gonda and Sultanpur. The Sub-Judge, Gonda, had a heavier pending file than any other Sub-Judge. Arrangements took effect from the commencement of the current year, which will keep the work at Bahraich and Gonda within control.

Distribution of work (Ordinary Civil Courts).

9. The following statement shows the number of suits *disposed of* by each class of court during the years 1884 and 1885:—

	1884.		1885.	
	Number of suits.	*Percentage on total number disposed of.*	*Number of suits.*	*Percentage on total number disposed of.*
Honorary Assistant Commissioners ...	3,033	10·36	3,490	9·62
Munsifs	27,012	73·53	26,241	72·33
Sub-Judges	6,026	15·87	6,462	17·81
District Judges	87	·22	84	·23

District Judges disposed of 21 original suits on an average, but the District Judges of Lucknow disposed of thirty-five.

Duration of suits (Ordinary Civil Courts).

10. There was a decrease of 15 days in the provincial average duration of contested suits, which stood at 55·76 days for 1885, as against 71 days in 1884. The average duration of uncontested suits was 36·64 days, as against 25 days in 1884.

The average duration of suits in each class of courts was during 1884 and 1885 as under:—

	Contested. Days.		Uncontested. Days.	
	1884.	1885.	1884.	1885.
Honorary Assistant Commissioners ...	50·17	42·46	26·10	32·25
Munsifs	67·44	58·73	31·09	32·31
Sub-Judges	70·64	46·78	32·18	40·81
District Judges	187·23	170·	88·53	53·32

A great improvement has taken place in the average duration of contested suits in each class of court, and in uncontested suits in the courts of District Judges.

Adjournments (Ordinary Civil Courts).

11. The highest number of adjournments in a decided suit (23) occurred in the courts of the Munsifs of Shahabad, Hardoi district, and Kunda, Partabgarh district. There were 35 adjournments in a decided suit in the court of the Sub-Judge, Partabgarh, and 28 adjournments in a suit in the court of the Sub-Judge, Rae Bareli.

12. Miscellaneous cases disposed of by Ordinary Civil Courts during the year under report aggregated 6,422, being 177 more than in 1884. 2,312 cases (out of 3,995 contested) were decided in favour of plaintiff, and 1,683 in favour of defendant; 1,406 cases were struck off without trial, being 6 more than in 1884; 293 cases were compromised, 215 were decreed on confession, 505 were decreed or dismissed *ex parte* and 7 were referred to arbitration. The average duration of contested cases was 37·66 days, and of uncontested cases 30·11 days.

IMPERIAL RETURN No. IX., PART 2. Miscellaneous cases (Ordinary Civil Courts).

13. Three thousand six hundred and fourteen appeals were presented to District and Subordinate Judges during the year under report, being 230 fewer than during the previous year. The number of appeals for hearing, and how they were disposed of in the years 1884 and 1885 are given in the following statement:—

IMPERIAL RETURN No. X., PART I. Appeals from decrees (Ordinary Civil Courts).

	1884.	1885.	*Percentage on total number for hearing.* 1884.	1885.
Total number of appeals for hearing ...	4,670	4,451	...	...
Rejected	78	172	1·67	3·86
Transferred	...	...	...	...
Dismissed for default	139	127	2·97	2·85
Heard ex parte.				
Confirmed	21	12	0 90	0 60
Modified	5	2		
Reversed	10	6		
Remanded	8	7		
Contested.				
Confirmed	2,380	2,362	50·90	53·06
Modified	302	256	6 46	5·75
Reversed	647	564	13·85	12·67
Remanded	252	295	5·39	6·62
Pending ...	828	648	17·70	14·55

Of the 648 appeals pending at the close of the year, 253 were pending in Fyzabad, 149 in Lucknow, 129 in Rae Bareli and 123 in Sitapur Judgeships.

14. The provincial average duration of appeals was 64·28 days, as against 62·83 days in 1884, and the duration ranged in District Judges' Courts from 47·94 days in Lucknow to 86·56 days in Fyzabad. In Sub-Judges' Courts the duration ranged from 27·8 days in Fyzabad to 63·56 days in Lucknow.

15. Only 27 appeals were heard *ex parte* during the year under report, as against 44 so heard in the previous year. In the courts of District Judges the pending files numbered—

Fyzabad	209
Rae Bareli	129
Sitapur	123
Lucknow	108

and in Sub-Judges' Courts—

Gonda	40
Lucknow	19
Unao	11
Bara Banki	5
Fyzabad	4

A high percentage of appeals remanded under section 562, Civil Procedure Code, is shown in the following courts:—

District Judge, Rae Bareli		15·0
Sub Judges ...	Unao	14·0
	Fyzabad	120
	Bara Banki	11·0

16. The number of first and second civil appeals that were before my court for disposal during 1885 aggregated 959, as against 816 during 1884, showing that, contrary to the case in other courts, in

Appeals to Judicial Commissioner.

1885 the work in the Judicial Commissioner's own court continued to increase in quantity. The figures for both years are given in the following statement:—

	1884.	1885.	Percentage on total for disposal. 1884.	1885.
Rejected	110	68	14·95	10·58
Dismissed for default	12	33		
Heard ex parte.				
Confirmed	...	7	...	0·93
Modified	...	...		
Reversed	...	2		
Remanded...	1	...		
Contested.				
Confirmed	91	521	19·07	54·32
Modified	20	31	2·45	3·23
Reversed	58	208	7·10	21·68
Remanded	5	19	·61	1·98
Pending ...	519	70	63·00	7·29

17. Besides the appeals referred to in the preceding paragraph, 125 miscellaneous appeals came up for disposal by the Judicial Commissioner, and only 10 remained pending at the close of 1885. Applications for revision under section 622, Act XIV. of 1882, numbered 283, of which 114 were rejected or dismissed; decrees were confirmed in 140, modified in 2 and reversed in 14. Four were remanded, and 9 remained pending at the close of the year. The average duration of such applications was 161 days.

IMPERIAL RETURN No. X., PART 2. Miscellaneous Appeals, Judicial Commissioner's Court.

The following comparative statement gives the average duration of appeals in the court of the Judicial Commissioner during the years 1884 and 1885:—

	1884. Days.	1885. Days.
Appeals from original decrees	361·4	258·7
,, appellate decrees	238·2	254·1
Miscellaneous appeals from orders of original courts	112·5	187·5
,, ,, appellate courts	169·2	114·1

18. Mr. T. B. Tracy was appointed Additional Judicial Commissioner from 23rd February to 23rd August, and considerable additions were made to the office establishment to enable it to prepare files for the two benches, which sat five days in the week, instead of three days as had hitherto been the practice. The following statement shows the amount of work disposed of by the two benches during the six months, March to August, 1885:—

	Pending on the 1st March.	*Instituted during the months, March to August.*	*Disposed of from March to August.*	*Pending on 31st August.*
Appeals, Civil, first	92	45	106	31
,, do., second	421	171	489	103
,, Rent	233	160	350	43
,, in execution of decree cases ...	21	13	33	1
,, other miscellaneous	40	42	64	18
,, in compensation cases, Rent Act ...	12	4	15	1
Applications for permission to appeal to Her Majesty's Privy Council.	2	13	12	3
Applications under section 622, Civil Procedure Code.	120	80	188	12
Other miscellaneous applications ...	3	41	42	2
References for ruling under section 617, Civil Procedure Code.	2	3	5	...
Total ...	946	572	1,304	214

19. Out of 357 miscellaneous appeals disposed of during the year under report, District Judges disposed of 324 and Subordinate Judges disposed of 33. The manner in which these appeals were disposed of was as follows:—110 were rejected or dismissed, in 135 the orders appealed against were

Courts of District and Subordinate Judges.

confirmed, in 1 modified and in 81 reversed. In 30 cases the orders were remanded under section 562, Civil Procedure Code. There were 32 appeals pending at the close of the year.

The average duration was 36·49 days, as against 58·06 days in 1884.

IMPERIAL RETURN No. XI. Execution of decrees (Ordinary Civil Courts).

20. The Ordinary Civil Courts had 24,602 applications for execution of decree before them during 1885, being 562 more than during 1884. The mode of disposal of such applications during both years is shown in the following comparative statement:—

					Percentage to total number of applications.	
			1884.	1885.	1884.	1885.
By transfer ...	...	...	507	476	2·10	1·93
Satisfied in full	...	...	8,878	9,408	36·90	38·24
,, part	...	...	3,504	3,434	14·57	13 95
Wholly infructuous	...	...	7,819	8,313	32·48	33·78
Pending ...	...	...	3,332	2,971	13·86	12·07

It will be noticed that realizations in full have again improved.

IMPERIAL RETURN No. XII. Insolvency.

21. Out of 47 applications for declaration of insolvency that came before the courts during 1885, 14 were granted and 31 were rejected, leaving 2 applications pending at the close of the year.

PROVINCIAL RETURN No. XV. Witness statement (Ordinary Civil Courts).

22. During the year under report 52,646 witnesses came before the Civil Courts, exclusive of Small Cause Courts proper. More than 97 per cent. of the witnesses were discharged on the day they attended.

PROVINCIAL RETURN No. XVI. Process fees (Ordinary Civil Courts).

23. The receipts on account of processes in Civil Courts, other than Small Cause Courts proper, amounted to Rs. 78,165 during the year under report, and the surplus was Rs. 20,331. In 1884 the receipts amounted to Rs. 75,881, and the surplus was Rs. 18,146.

PROVINCIAL RETURN No. XVIII. Sale Commission Fund (Ordinary Civil Courts).

24. Exclusive of Small Cause Courts proper, the receipts on account of sale commission fund amounted to Rs. 5,606 and the expenditure to Rs. 1,731, leaving a surplus of Rs. 3,875, of which Rs. 969 were payable as commission fees to nazirs.

Records.

25. *Lucknow.*—No files were weeded in the District Judge's Court, but the weeders re-classified, prepared an alphabetical list for each bastah and registered in the parganahwar register, 10,296 files of the years 1875 to 1879, which were received from the Deputy Commissioner's office, and received over and prepared lists of 271 registers. Thirty-two thousand nine hundred and forty-six files remain to be weeded.

Unao.—Three thousand eight hundred and fifteen files were weeded, and 9,238 files of the years 1881 and 1882 remain to be weeded.

Bara Banki.—Besides weeding 1,471 files, the weeders filed 6,700 execution of decree files of the years 1877 to 1884, with their respective regular suits, leaving 9,800 execution of decree files to be disposed of and 5,000 files to be weeded.

Sitapur.—Good work was done at Sitapur, as 7,237 A files and 5,423 B files were weeded.

Hardoi.—Thirteen hundred and thirty-seven A files and 7,021 B files were weeded, leaving A files from 1871 and B files from 1882 remaining to be weeded.

Kheri.—As there is not sufficient accommodation in the present building, the old records have not yet been taken over from the Deputy Commissioner's office, and the weeder was reduced.

Fyzabad.—In the District Judge's Court 2,000 A files and 7,738 B files were weeded, leaving A files of the years 1878 and 1879 to be weeded.

Bahraich.—Three thousand two hundred and forty-one B files were weeded, but the old records received from the Deputy Commissioner's office remain to be weeded. A weeder has been sanctioned during the current year for this purpose.

Gonda.—Very good progress has been made in the Sub-Judge's Court, as no less than 5,305 A files and 9,758 B files have been weeded. The old records for the years 1872 to 1878 received from the Deputy Commissioner's office remain to be weeded.

Rae Bareli.—In the District Judge's Court 5,671 A files and 6,572 B files were weeded. A files of 1879 and 1880 and B files of 1882 and 1883 remain to be weeded.

Sultanpur.—Seventeen hundred and eighteen A files and 3,442 B files were weeded, leaving A files of the years 1874 to 1880 and B. files of the years 1882 and 1883 remaining to be weeded.

Partabgarh.—The weeding of 2,649 A files and of 2,518 B files was completed. A files of the years 1878, 1879 and 1880, and B files of the years 1882 and 1883 have yet to be weeded.

SMALL CAUSE COURTS.

26. There was an increase of 1,092 suits instituted during 1885 in the courts of Munsifs and Subordinate Judges exercising Small Cause Court powers, and in Small Cause Courts proper, as compared with the figures for 1884. The figures for both years are here given :—

IMPERIAL RETURN No VII. Suits instituted (Small Cause Courts).

	Lucknow City.	*Lucknow Cantonments.*	*Fyzabad Cantonments.*	*Munsifs and Sub-Judges.*	*Difference.*
1884 ...	5,450	390	65	9,898	
1885 ...	5,758	339	94	10,704	
	+308	—51	+29	+806	+1,092

The following statement shows the fluctuation in the different classes of suits during the years 1884 and 1885 :—

	1884.	1885.	*Difference.*
Contract in writing	4,415	4,777	+362
,, not in writing	2,672	2,656	—16
On account stated	2,452	2,539	+87
Money had and received	553	710	+157
Goods sold	2,292	2,362	+70
Wages, work and materials	519	620	+101
Rent not falling under Rent Act	461	353	—108
Movable property or value thereof	1,207	1,584	+377
Damages	658	657	—1
Other suits for money or movables	574	632	+58
,, not falling under above heads	5		+5

The chief point noticeable is the remarkable uniformity of the figures of the two years in most classes of suits, *e. g.*, suits for damages differing in number by one only from the number of the previous year.

27. The value of the subject-matter of suits instituted in Courts of Small Causes rose from Rs. 4,96,004 in 1884 to Rs. 4,98,532 in 1885. In the Lucknow City Small Cause Court the subject-matter of suits instituted in 1885 was Rs. 1,85,771, as against Rs. 1,98,835 in 1884.

IMPERIAL RETURN No. VIII Value of suits instituted (Small Cause Courts).

The following figures show the fluctuation in value of suits instituted in the Lucknow City Small Cause Court:—

Value of suits.	1884.	1885.	*Difference.*
Not exceeding Rs. 10	2,540	2,784	+138
,, ,, 50	1,968	2,128	+160
,, ,, 100	450	398	—52
,, ,, 500	486	448	—38

The value of suits instituted in the courts of Munsifs and Sub-Judges on the Small Cause Court side rose from Rs. 2,86,356 in 1884 to Rs. 3,01,362 in 1885.

During the past three years the average value per suit instituted in all classes of Small Cause Courts has steadily decreased: in 1883 it was Rs. 34, in 1884 Rs. 31-6-0 and in 1885 it fell to Rs. 29-8-0. Of the total number of suits instituted in 1885, 12·8 per cent. were valued at more than Rs. 50 each, being nearly the same percentage as in 1884.

IMPERIAL RETURN No. IX., PART 1. Mode of disposal (Small Cause Courts).

28. The number of suits for disposal before all classes of Small Cause Courts during 1885 aggregated 17,647, being 908 more than in 1884. The following statement shows how suits were disposed of, and gives the percentage of the manner of disposal to the total number of suits:—

	1884.	1885.	1884.	1885.
Without trial	2,561	2,575	15·2	14·5
Without contest.				
Compromised	2,215	2,326	13 2	13·1
Decreed on confession	2,863	2,927	17·1	16·5
,, *ex parte*	2,787	2,765	16·6	15·6
Dismissed	173	225	1·0	1·2
With contest.				
By arbitration	69	47	·4	·2
Judgment for plaintiff	3,436	3,722	20·5	21·0
,, for defendant	1,923	1,755	11·4	9·9
Pending ...	712	1,305	4·2	7·3

The increase in the number of suits pending is explained by the fact that 734 suits (more than half the total pending) were in the court of the Sub-Judge of Gonda, whose work was decidedly heavy. In consequence of the relief afforded by the appointment of an Additional Munsif at Gonda at the commencement of the current year, the pending file at the close of June, 1886, numbered 230 suits only.

Average duration (Small Cause Courts).

29. The average duration of suits during 1884 and 1885 was as follows:—

	Uncontested suits. *Days.*		Contested suits. *Days.*	
	1884.	1885.	1884.	1885.
Courts of Sub-Judges	18·29	41·01	26·77	40·68
,, Munsifs	16·39	27·70	36·76	37·10
Lucknow City Court	14·11	14·13	11·38	14·13
,, Cantonment Court	10·34	8·37	9 56	8·73
Fyzabad ,, ...	7·43	13·12	26 06	9·06

The highest averages were—

	Uncontested suits. *Days.*	Contested suits. *Days.*
Sub-Judge, Gonda	124·18	105·21
Munsif, Fyzabad	35·76	36·99

IMPERIAL RETURN No. IX., PART 2. Miscellaneous cases (Small Cause Courts).

30. The number of miscellaneous cases that came before Small Cause Courts during 1885 was almost the same as in the previous year. Of 821 suits 284, or 34·5 per cent., were disposed of without trial, and 41 without contest; 525 cases, or 63·9 per cent., were contested, and 221 were decided in favour of the plaintiffs, and 304 in favour of the defendants.

31. During the year under report 8,463 applications for execution of decrees were before Small Cause Courts, being 154 more than during 1884.

IMPERIAL RETURN No. XI. Execution of decrees (Small Cause Courts).

The following statement shows how these cases were disposed of:—

	Cases.	Percentage to total number of cases.	
		1885.	1884.
By transfer	553	6·53	6·14
Satisfied in full	2,684	31·71	32·44
,, part	1,709	20·08	18·93
Wholly infructuous	3,050	36·03	38·52
Pending	476	5·62	3·91

The realizations during the years 1884 and 1885 were—

	1884.	1885.	Difference.
	Rs.	Rs.	Rs.
Amount realized with issue of process	97,341	85,701	—11,640
,, without ,, ...	14,820	13,986	—834

32. Witnesses examined in Small Cause Courts proper (*i.e.*, city Lucknow, cantonment Lucknow, cantonments Fyzabad) during 1885 numbered 2,824, and of those 2,769 were dismissed on the day they appeared and 55 were detained for two days.

PROVINCIAL RETURN No. XV. Witness statement (Small Cause Courts).

RENT COURTS.

33. There was a slight increase in the number of suits filed under the Oudh Rent Act during the year under report (31,856), as compared with the figures (30,957) during the previous year.

IMPERIAL RETURN No. VII. Suits instituted (Rent Courts).

A comparative statement showing the fluctuation in the number of each class of suit instituted during the years 1884 and 1885 is here given :—

	1884.	1885.	Difference.
Arrears of rent with or without ejectment ...	17,521	16,094	—1,427
Enhancement or abatement of rent	46	86	+40
Relating to distraint	432	433	+1
Damages for extortion, &c.	217	259	+42
For pattas or kabuliats	13	34	+21
For ejectment or recovery of possession ...	1,052	851	—201
For recovery of money or accounts from agents,	97	88	—9
Other suits	11,579	14,011	+2,432

34. As compared with the figures for 1884, there was a considerable falling off in the number of suits for arrears of rent instituted in the year under report. The most noticeable decrease occurred in—

Suits for arrears of rent (Rent Courts).

Bara Banki	351
Fyzabad	202
Rae Bareli	168
Sultanpur	156
Partabgarh	431

In Hardoi, however, there was a slight increase of 74 such suits.

35. In ten out of the twelve districts the increase in the class "Other suits" is due to increased number of suits to contest notices of ejectment. In the Gonda report it is noted that such suits rose from 1,536 to 1,776 in consequence of "an abnormally large number of notices having

Other suits (Rent Courts).

been issued," and in Sultanpur, suits for contesting notices of ejectment rose from 1,961 in 1884 to 2,433 in 1885.

In Kheri 165 notices of ejectment were contested, as against 277 in 1884, though the number of notices issued in 1885 was 2,200 as against 1,459 in the previous year. In Bahraich 286 suits to contest notices of ejectment were filed in 1885, as against 302 in 1884. The Deputy Commissioner writes—"The subject of ejectments was dealt with in the annual revenue report."

IMPERIAL RETURN No. VIII. Value of suits (Rent Courts).

36. The value of the subject-matter of suits filed during the year under report is estimated at Rs. 11,12 650, being an increase of Rs. 71,741 as compared with the figures for 1884.

IMPERIAL RETURN No. IX., PART I. Disposal of suits (Rent Courts).

37. As compared with the figures for 1884, there was an increase of 512 in the number of suits that came before the courts for disposal in 1885. The following statement shows how suits were disposed of in each year :—

	1884.	1885.	Percentage to total number of suits. 1884.	1885.
Without trial.				
Rejected	421	338	1·21	1·0
Dismissed	3,265	3,359	9·88	10·0
Withdrawn	1,061	1,157	3·21	3·27
Without contest.				
Compromised	1,431	1,505	4·33	4·48
Decreed on confession	3,293	2,475	9·07	7·37
,, *ex parte*	5,326	4,885	16·12	14·41
Dismissed ,, ...	969	1,161	2·03	2·46
By arbitration.				
For plaintiff	42	41	0·15	0·15
,, defendant	10	11		
With contest.				
For plaintiff	10,673	11,486	32·31	34·24
,, defendant	5,592	6,149	16·93	18·33
Pending ...	944	1,042	2·85	3·16

The Deputy Commissioner, Unao, suspects that the numerous *ex parte* decisions in the courts of Mr. Coarns, Munshi Mubarak Ali and Pandit Sheonath were partly due to unpunctuality in taking up cases on the date appointed. Commissioner very properly remarks that Deputy Commissioner should examine some of the files. The matter is one for the consideration of the executive authorities.

Colonel Murray of Kheri carefully examined the files of Honorary Assistant Commissioner Khalil-ulla Khan, and found everything satisfactory, and accepts his subordinate's explanation of the number of *ex parte* cases, *i.e.*, that in many instances mere service of summons suffices to bring about amicable settlement out of court.

The Deputy Commissioner, Partabgarh, reports on a matter of much importance connected with the duration of suits. He regrets that the average is worse than usual in contested suits, and attributes it to the rapid marching of Assistants in the cold weather and their inability to keep to the dates fixed. The Government may perhaps concur with me in thinking that dates once fixed should be strictly adhered to : similarly as to localities. The known halting-places, and not inaccessible spots, should always be selected when case work has to be done in camp. The inconveniences to suitors and witnesses of attending officers in camp are notorious, and all that can be done should be done to lessen such serious obstacles to the proper administration of justice.

38. The number of miscellaneous cases that came before the courts during the year under report was 16,737, being 1,173 more than during 1884. They were disposed of as follows :—1,539, or 9·19 per cent., were struck off without trial ; 371, or 2·21 per cent., were compromised ; 8,410, or 50·24 per cent., were decided without contest ; 6,093, or 36·40 per cent., were decided with contest, 4,018 being in favour of plaintiff, 2,075 in favour of defendant, and one was referred to arbitration, leaving 394 cases pending at the close of the year. In 1884 the percentages were 10·14 struck off without trial, 2·45 compromised, 45·32 decided without contest and 40·10 decided with contest.

IMPERIAL RETURN No. IX., PART 2. Miscellaneous cases (Rent Courts).

39. Appellate courts had 3,640 appeals from decrees before them for disposal during 1885, being 446 more than in 1884. The mode of disposal is shown below :—

IMPERIAL RETURN No. X. PART 1. Appeals (Rent Courts).

Transferred	...	...	...	...	...	...	12
Summarily rejected		...	...	...	...	...	29
Dismissed	...	...	...	...	...	...	226
Heard ex parte.							
Confirmed	...	...	...	...	...	...	54
Modified	...	...	...	...	...	...	11
Reversed	...	...	...	...	...	...	19
Remanded	...	...	...	...	...	...	15
Contested.							
Confirmed	...	...	...	...	...	...	1,614
Modified	...	...	...	...	...	...	245
Reversed	...	...	...	...	...	...	507
Remanded	...	...	...	...	...	...	391
					Pending	...	517

40. The Commissioner of Fyzabad disposed of 782 appeals and had 286 pending at the close of the year. The Commissioners of Lucknow, Sitapur and Rae Bareli together disposed of 827 appeals (only a little more than the Fyzabad Commissioner alone), leaving 107 undisposed of at the close of the year. The average duration of appeals in Commissioners' Courts was 73·12 days, a fraction lower than in 1884 : the highest average, 87·19 days, was in the court of the Commissioner, Fyzabad Division, the reason for which no doubt was the heavy state of his file. Deputy Commissioners disposed of 1,502 appeals and had 124 pending at the close of the year. The average duration was 33·65 days, as against 26·84 days in 1884. The Deputy Commissioner of Unao disposed of 247 appeals, and the Deputy Commissioners of Sitapur and Kheri each disposed of 35 appeals.

The Judicial Commissioner had before him 541 appeals, being 104 more than during 1884. They were disposed of as follows :—71 were rejected or dismissed ; decrees were confirmed in 310 cases, modified in 8 cases and reversed in 46 cases ; 41 cases were remanded and 65 remained pending. The average duration of rent appeals in the Judicial Commissioner's Court was 222·2 days.

41. There were 248 miscellaneous appeals before the courts of Commissioners and Deputy Commissioners during the year under report, being 26 more than in 1884. These 248 appeals were disposed of thus :—22 were dismissed, rejected or transferred ; the orders in 114 cases were confirmed, in 5 modified, in 28 reversed, and remanded in 27 cases : pending cases numbered 42. The average duration of decided appeals was 43·24 days.

IMPERIAL RETURN No. X., PART II. Miscellaneous appeals (Rent Courts).

The Judicial Commissioner had 38 such appeals before him, of which 9 were rejected or dismissed ; the orders in 18 cases were confirmed, in 4 cases reversed and in 4 cases remanded : only 2 appeals remained undisposed of. The average duration of decided miscellaneous appeals in the Judicial Commissioner's Court was 276·8 days.

42. The number of applications for execution of decrees of Rent Courts fell from 13,454 in 1884 to 12,795 in 1885. The following comparative statement shows how such applications were disposed of in each year:—

IMPERIAL RETURN No. XI. Execution of decrees (Rent Courts).

	1884.	1885.	Percentage to total number of applications. 1884.	1885.
By transfer	69	47	·51	·36
Satisfaction in full	6,365	6 025	47·30	47·08
,, in part	1,814	1,720	13·47	13·44
Wholly infructuous	4,064	3,916	30·20	30·60
Pending	1,142	1,087	8·48	8·49
In which debtor imprisoned	186	181	1·38	1·41
,, arrested	151	146	1·12	1·14
,, movable property sold ...	1,604	1,462	10·56	11·42
,, ,, attached ...	3,194	2,955	21·22	23·09
,, immovable property sold ...	313	224	2·78	1·75
,, ,, dealt with under section 305, &c., Civil Procedure Code ...	10	13	·31	·10
In which immovable property attached ...	432	252	3·15	1·96
,, possession given of movables ...	18	13	·07	·10
,, ,, immovables ...	221	224	·95	1·75
,, contract was enforced ...	60	43	·09	·33
,, execution otherwise effected ...	2,123	2,393	17·95	18·70
Amount realized { With issue of process'	2,50,637	2,43,909	...	...
Amount realized { Without issue of process ...	27,945	29,286	...	...

The districts in which 50 per cent. and upwards of the decrees executed were satisfied in full were Hardoi (63 per cent.), Partabgarh and Bara Banki (55 per cent.), Gonda and Sultanpur (54 per cent.), Fyzabad (51 per cent.).

43. Witnesses examined during the year under report numbered 15,950, and of these 15,515, or 97·2 per cent., were detained one day, 318 were detained two days and 117 from three to five days. Six Deputy Commissioners out of 12 are satisfied that the witness registers are correctly kept up. Mr. White says—"It is difficult to believe that out of 1,204 witnesses 1,186 men were really detained only one day." Deputy Commissioner, Hardoi, says—"I do not place implicit reliance on these figures." Deputy Commissioner, Kheri, examined his returns and found a number of mistakes. Nevertheless after this scrutiny 92·7 per cent. of his witnesses were only detained one day. Deputy Commissioner, Gonda, is still "most suspicious" of the accuracy of these registers: similarly Sultanpur. The truth, I believe, is that the greater number of witnesses are discharged on the first day, but it is probable that a few cases of much longer detention occur in fact, but are not registered.

PROVINCIAL RETURN No. XV. Witnesses examined (Rent Courts).

44. There was a considerable falling off in the number of processes issued during the year under report, 2,56,344, as compared with the previous year, in which 2,86,070 were issued. In 1885 the receipts were Rs. 70,211, and the expenditure was Rs. 51,716, the surplus being Rs. 18,495; the surplus in 1884 was Rs. 23,800.

PROVINCIAL RETURN No. XVI. Process fee fund (Rent Courts).

45. The sale commission fund receipts amounted to Rs. 3,111 and the surplus to Rs. 2,489. In 1884 the receipts were Rs. 2,886 and the surplus Rs. 2,235. In both years, however, one-fourth of the surplus was paid as commission to nazirs.

PROVINCIAL RETURN No. XVIII. Sale commission fund (Rent Courts).

JUDICIAL COMMISSIONER'S COURT.

46. In addition to business detailed in foregoing paragraphs, 93 miscellaneous applications and seven references for rulings were disposed of.

Revision and reference.

47. Twenty-six applications for leave to appeal to Her Majesty's Privy Council, and eleven applications from pleaders for enrolment or promotion were dealt with.

Miscellaneous work.

48. Several points of general interest have been raised in the district reports, but it has been often pointed out that such topics are not to be discussed in the annual report.

The suggestion of the District Judge, Rae Bareli, that no petitions should be taken except those written by regularly authorized petition writers, is in opposition to Book Circular No. XVIII. of 1882, and would, I think, be very objectionable. Another suggestion of the same Judge, to introduce the amín system into Oudh, deserves more consideration. But it would be more costly than the present plan, and it was provisionally tried in Oudh some years ago, and, as I learn, entirely failed.

I have the honour to be,

Sir,

Your most obedient servant,

W. YOUNG,

Judicial Commissioner.

APPENDICES.

IMPERIAL RETURN No. VII. (CIVIL AND RENT).

Showing the number and description of Civil and Rent suits instituted in the Courts of the Province of Oudh during the year 1885.

Class of tribunal.	*Suits for money or movable property.*										*Suits under the rent law.*							*Title and other suits.*																
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work and materials.	Rent not falling under the Rent Law.	Movable property or value thereof.	Damages.	Other suits for money or movables not already mentioned.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal sustaint or other causes.	For pattahs or kabuliats.	For ejectment or recovery of possession.	For recovery of money and accounts from agents.	All other suits under the rent law not included in above.	Suits for immovable property.	Suits for declaratory decree.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion or caste.	Administration on suits.	Interpleader suits.	Dissolving of partnership.	Suits under section 281, Act X. of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	GRAND TOTAL.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
CIVIL COURTS.																																					
Unpaid tribunals	921	874	426	63	204	40	18	479	125	172	...	...	...	...	...	...	...	...	40	...	9	10	...	...	...	...	1	19	9	...	...	...	...	...	60	3,433
Paid sub-divisional tribunals	9,908	5,335	1,775	600	1,256	345	183	2,521	1,420	614	...	...	...	...	...	...	...	...	5,551	189	123	932	101	31	1	108	16	282	65	...	...	...	...	6	430	21,791
Small Cause Courts	4,777	2,656	2,539	710	2,301	620	353	1,594	657	632	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	80	16,894
District Courts	16	1	...	...	...	...	...	4	1	...	...	...	...	...	...	...	...	...	20	9	...	6	...	1	...	7	...	...	...	...	...	...	...	...	2	85
Total ...	15,617	8,866	4,738	1,373	3,825	1,005	564	4,548	2,203	1,418	...	...	...	...	...	...	...	...	5,639	189	131	938	101	35	1	116	17	301	70	...	...	13	...	6	1	502	52,201
REVENUE (RENT) COURTS.																																					
Unpaid local tribunals ...	...	...	...	...	...	...	...	...	...	...	166	...	...	...	...	...	...	19	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	175
Other subordinate courts ...	...	...	...	...	...	...	...	...	...	...	15,922	86	433	258	34	847	87	13,788	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	31,454
District Courts	...	...	...	...	...	...	...	...	...	...	14	...	...	1	...	4	1	204	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	223
Total ...	...	...	...	...	...	...	...	...	...	...	16,094	86	433	259	34	851	88	14,011	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	31,852
Courts at the seat of Government ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Presidency Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL ...	15,617	8,866	4,738	1,373	3,825	1,005	564	4,548	2,203	1,418	16,094	86	433	259	34	851	88	14,011	5,639	189	131	938	101	35	1	116	17	301	70	...	...	13	...	6	1	502	84,053

IMPERIAL RETURN No. VIII. (Civil and Rent).

Statement showing number and value of suits instituted in the Civil and Rent Courts in the Province of Oudh, during the year 1885.

Class of court.	Number of suits instituted in the different courts.									Total value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
Civil Courts.										Rs. a. p.	
Unpaid tribunals	1,401	1,620	326	64	...	...	...	...	21	80,955 14 6	
Paid sub-divisional tribunals	8,649	13,404	4,374	3,588	686	475	47	...	468	31,84,488 5 3	
Small Cause Courts	6,950	7,768	1,178	999	...	...	...	...	...	4,98,532 8 7	
District Courts	..	...	..	1	...	...	3	67	11	21,94,476 8 4	
Total	17,000	22,792	5,878	4,652	686	475	50	67	500	59,58,453 4 8	
Revenue (Rent) Courts.											
Unpaid local tribunals	89	62	15	9	...	...	...	...	...	5,513 6 6	
Other Subordinate Courts	14,982	12,775	2,412	1,226	217	83	...	...	24	10,98,159 6 11	
District Courts	102	93	17	10	...	...	3	...	...	8,977 7 9	
Total	15,173	12,930	2,444	1,245	217	83	3	...	24	11 12,650 5 2	
Grand Total	32,173	35,722	8,322	5,897	903	558	53	67	524	70,71,103 9 10	

IMPERIAL RETURN No. IX. (CIVIL AND RENT).

Statement showing the general result of the trial of Civil and Revenue (rent) cases in the Courts of Original Jurisdiction in the Province of Oudh during the year 1885.

PART I.—CIVIL AND RENT SUITS.

Class of courts.	Total number of suits before the courts.	Number of suits disposed of.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of suits.		Remarks.
		Transferred to courts in other provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed ex parte.	Dismissed ex parte.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
I.—Civil Courts.																
Unpaid tribunals	3,772	...	859	421	711	468	92	91	41	499	308	282	49	42·45	23·25	
Paid sub-divisional tribunals ...	29,332	...	6,530	2,943	2,862	2,655	552	211	91	6,596	4,001	3,091	879	58·73	32·31	
Small Cause Courts	17,647	...	2,575	2,326	2,927	2,765	225	37	10	3,722	1,755	1,305	...	32·27	27·41	
District Courts other than Chief Courts of districts ...	7,606	...	1,196	791	678	500	79	87	23	2,107	1,001	1,144	965	46·78	40·80	
Chief Courts of districts	123	...	17	7	4	2	1	4	...	24	25	39	...	170·	54·70	
Total ...	58,480	...	11,177	6,488	6,982	6,390	949	430	165	12,948	7,090	5,861	1,893	47·63	44·65	
II.—Revenue (Rent Courts).																
Unpaid local tribunals	208	...	52	6	28	41	4	...	...	50	13	14	1	43·65	26·16	
Paid sub-divisional tribunals ...	10,095	...	1,498	535	1,499	2,285	156	16	6	2,957	973	180	2	35·63	18·99	
Other subordinate courts	23,009	...	3,229	953	958	2,501	998	25	5	8,403	5,089	848	141	27·89	26·13	
District Courts	227	...	55	11	...	8	3	...	...	76	74	...	...	28·44	29·74	
Total ...	33,539	...	4,834	1,505	2,475	4,835	1,161	41	11	11,486	6,149	1,042	144	27·32	22·90	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL ...	92,019	...	16,011	7,993	9,457	11,225	2,110	471	176	24,434	13,239	7,903	2,037	2,881	39·17	

IMPERIAL RETURN No. IX. (CIVIL AND RENT).

Statement showing the general result of the trial of Civil and Revenue (Rent) cases in the Courts of Original Jurisdiction in the Province of Oudh in the year 1885.

PART II.—MISCELLANEOUS CASES.

Class of court.	Number of cases disposed of.											Pending at the close of the year.	Pending more than three months.	Average duration of cases.		Remarks.
	Total for disposal.	Transferred to other courts.	Without trial.	Without contest.				On reference to arbitration.		With contest.						
				Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or part.	Judgment for defendant.			Contested.	Uncontested.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
I.—Civil Courts.																
Unpaid tribunals	378	...	128	17	17	15	10	3	...	95	52	41	11	54·98	83·90	
Paid sub-divisional tribunals...	4,017	...	848	136	174	238	100	1	1	1,337	921	261	16	31·50	26·07	
Small Cause Courts	821	...	214	24	6	11	3	1	...	220	304	38	...	14·73	15·61	
District Courts other than Chief Courts ...	1,948	...	284	135	23	71	11	...	...	702	564	158	17	24·93	24·97	
Chief Courts of districts	620	...	146	5	1	57	3	3	...	178	146	81	22	57·34	23·83	
Total ...	7,784	...	1,620	317	221	392	127	8	1	2,532	1,987	579	66	34·99	28·69	
II.—Revenue (Rent) Courts.																
Unpaid local tribunals	17	...	7	...	...	...	...	...	...	3	6	1	1	36·33	15·57	
Paid sub-divisional tribunals...	9,351	...	348	204	296	6,512	85	...	...	1,647	176	83	...	25·08	21·33	
Other subordinate courts	7,333	...	1,167	167	242	983	215	1	...	2,363	1,885	310	21	27·89	26·13	
District Courts	36	...	17	...	6	...	...	...	...	5	8	...	...	19·46	9·91	
Total ...	16,737	...	1,539	371	544	7,495	300	1	...	4,018	2,075	394	22	25·47	17·35	
GRAND TOTAL ...	24,521	...	3,159	688	765	7,787	427	9	1	6,550	4,062	973	88	29·53	19·67	

IMPERIAL RETURN No. X. (CIVIL AND RENT).

Statement showing the business of the Civil and Revenue (Rent) Appellate Courts of the Province of Oudh in the year 1885: *Part I., Appeals from decrees.*

Class of court.	Total number of appeals before the courts.	Transferred to courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	Heard ex parte.				Contested.				Pending.	Of these pending more than 3 months.	Average duration of appeals.	Objections under section 561, Act XIV. of 1882.	Date of oldest pending appeal.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Courts in the interior: appeals from original decrees.																	
A.—CIVIL COURTS.																	
Chief Appellate Courts other than Chief Courts of districts	875	...	4	36	7	2	4	2	499	54	131	57	79	1	49·21	8	29 9 84
Chief Appellate Courts of districts	3,576	...	168	91	5	...	2	5	1,863	202	433	238	569	47	68·33	53	20 11 84
Superior Appellate Courts other than Chief Courts of provinces	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total	4,451	...	172	127	12	2	6	7	2,362	256	564	295	648	48	64·28	61	...
B.—REVENUE (RENT) COURTS.																	
Collectors' Appellate Courts	1,638	12	13	88	17	7	3	3	816	200	202	153	124	7	33·65	2	11 3 85
Commissioners' Appellate Courts	2,002	...	16	138	37	4	16	12	798	45	305	238	393	320	73·12	3	10 11 84
Total	3,640	12	29	226	54	11	19	15	1,614	245	507	391	517	327	54·07	5	...
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																	
Chief Court of province. — Appeals from original decrees — Civil ...	179	...	...	8	...	...	...	...	99	12	31	11	18	9	258·7	5	5 1 85
Chief Court of province. — Appeals from original decrees — Rent ...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...
Chief Court of province. — Appeals from appellate decrees — Civil ...	780	...	68	25	7	...	2	...	422	19	177	9	62	8	254·1	16	11 3 84
Chief Court of province. — Appeals from appellate decrees — Rent ...	541	...	63	8	17	...	1	...	293	8	45	41	65	6	222·2	1	10 9 85
Total	1,500	...	131	41	24	...	3	...	814	39	253	60	185	23	242·9	22	...
GRAND TOTAL	9,591	12	332	394	90	13	28	22	4,790	540	1,324	746	1,300	398	89·92	88	...

IMPERIAL RETURN No. X. (CIVIL AND RENT.)

Statement showing the business of the Civil and Revenue (Rent) Appellate Courts of the Province of Oudh, in the year 1885

PART II.—MISCELLANEOUS.

Class of court.	Total number of appeals before the courts.	Transferred to courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted	*Heard ex parte.*				*Contested.*				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV. of 1882.	REMARKS.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1.	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
APPEALS FROM ORIGINAL DECREES.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of Districts ...	35	...	1	..	...	...	...	...	16	1	10	5	2	...	31·75	...	17-11-85.
Chief Appellate Courts of Districts and Superior Appellate Courts other than Chief Court of Province	354	...	94	15	...	...	19	...	119	...	52	25	30	2	41·48	...	18-5-85.
Total ..	389	...	95	15	...	...	19	...	135	1	62	30	32	2	36·49	...	
B.—Revenue (Rent) Courts.																	
Collectors' Appellate Courts	108	1	5	4	2	...	5	...	57	...	12	18	4	...	24·74	...	7 12-85.
Commissioners' Appellate Courts	140	...	4	8	1	...	...	5	54	5	11	14	38	24	61 93	...	4-3-85.
Total ...	248	1	9	12	3	...	5	5	111	5	23	32	42	24	43·24	...	
Courts at the Presidency or seat of Government																	
Chief Court of Province — Appeals from original decrees ... Civil ...	a 80	...	5	2	3	...	3	...	50	2	6	2	5	...	187·5	...	a 2 returned.
Rent	5		1	1	...	...	...	...	2	...	...	1	...	...	291·	...	
Appeals from appellate decrees ... Civil ...	b 45	..	3	2	2	...	1	...	24	...	7	...	5	1	114·1	...	b 1 abated.
Rent ...	c 33	...	5	2	...	...	...	...	16	...	4	3	2	...	204·8	...	c 1 returned.
Applications for revision under section 622, Act XIV. of 1882 ...	283	...	110	4	4	...	1	1	136	2	13	3	9	1	161·	...	
Total ...	446	...	124	11	9	...	5	1	228	4	30	9	21	2	166·9	...	3 returned. 1 abated.
GRAND TOTAL ...	1 083	1	228	38	12	...	29	6	474	10	115	71	95	28	95·55	...	

IMPERIAL RETURN No. XI. (CIVIL AND RENT).

Statement showing the result of proceedings on application for the execution of the Decrees of the Civil and Revenue (Rent) Courts in the Province of Oudh, during the year 1885.

Class of court.	Total number of applications for the execution of decree before the court.	Applications disposed of: By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.	Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	Amount realized. With the issue of process.	Amount realized. Without the issue of process.	Number of Applications. On which the judgment-debtor was imprisoned.	On which he was arrested but released without imprisonment.	On which movable property: Was sold.	On which movable property: Was attached but subsequently released.	On which immovable property: Was sold.	On which immovable property: Was dealt with under section 306, 322 or 320, Act XIV. of 1882.	On which immovable property: Was attached but subsequently released under section 275.	On which possession was given: Of movables.	On which possession was given: Of immovables.	On which specific performance was enforced.	On which partition was effected.	On which exemption was effected otherwise than in the preceding columns.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
COURTS IN THE INTERIOR.								Rs. a. p.	Rs. a. p.													
I.—Civil Courts.																						
Unpaid tribunals ...	1,303	37	536	194	429	107	44	14,113 15 6	1,063 0 0	7	17	133	369	11	...	28	2	23	...	...	157	19-8-84
Paid sub-divisional tribunals,	16,084	286	6 397	2,048	5,588	1,765	525	2,69,297 4 2	10,591 15 5	86	108	1,269	2,766	328	10	432	15	1,641	66	20	2,735	24-11-82
Small Cause Courts ...	8,463	553	2 684	1,700	3,050	476	32	85,701 8 0	13,986 0 6	132	122	408	750	11	...	8	...	...	1	...	2,914	24-11-84
District Courts ...	6,672	127	2,318	1,058	2,162	1,007	356	4,19,884 2 6	16,762 12 11	56	34	519	1,092	195	10	317	9	654	17	2	1,358	7-6-82
Chief Courts of districts ...	543	26	157	134	134	92	19	2,26,380 14 0	16,957 12 0	...	1	9	16	8	...	6	1	24	...	1	230	29-3-80
Total ...	33,065	1 029	12,092	5,134	11,363	3,147	976	10,15,377 12 2	59.361 8 10	281	282	2,338	4,993	553	20	791	27	2,341	84	23	7,394	20-3 80
II.—Revenue (Rent) Courts.																						
Unpaid local tribunals ...	92	...	39	24	23	6	4	766 7 0	14 7 0	...	5	19	24	...	...	2	...	...	...	...	13	23-6-83
Other Sub-Courts ...	4,705	18	2 534	518	1,422	213	28	49,895 8 10	10,148 11 2	47	59	371	1,302	65	1	81	...	4	28	...	985	25-10-84
District Courts ...	7,984	28	3,446	1,175	2,467	868	212	1,93,187 7 2½	19.120 12 8	134	82	1 072	1,622	159	9	169	13	220	15	1	1,392	11-1-84
Chief Court of districts ...	14	1	6	3	4	...	...	59 13 5	2 2 0	...	...	...	7	...	3	...	...	...	...	...	2	...
Total ...	12,795	47	6,025	1,720	3,916	1,087	244	2,43,909 4 5½	29,286 0 10	181	146	1,462	2,955	224	13	252	13	224	43	1	2,392	23-6-83
GRAND TOTAL ...	45,860	1,076	18,117	6,854	15,279	4,534	1,220	12,59,287 0 7½	88,647 9 8	362	428	3,800	7,948	777	33	1 043	40	2,565	127	24	9,786	...

IMPERIAL RETURN No. XII. (Civil).

Proceedings in insolvency under chapter XX., Act XIV. of 1882, in the Districts of the Province of Oudh, during the year 1885, showing the number and result of applications under section 344, and the number of insolvents before the Courts.

Class of court.	Application for declaration of insolvency.								Number of insolvents discharged during the year under section 355.	Number of insolvents' estates in hands of receivers in which proceedings were finally closed during the year.	Amount of creditors' claims dealt with during the year.		Gross amount of insolvents' assets realised and disbursed.		Remarks.
	Total number of applications.	Transferred to another province.	Granted.		Rejected.			Pending at the close of the year.			Admitted.	Satisfied.	Realised during the year.	Disbursed during the year.	
			A receiver being appointed.	A receiver not being appointed.	Penal proceedings under section 351 not being taken.	Sentence of imprisonment being passed under section 350.	Applicant being sent to the Magistrate to be dealt with.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
											Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Chief Courts of districts ..	47	...	3	11	31	..	...	2	3	43 0 3	20,975 5 9	34 7 3	43 0 3	43 0 3	4-8-84.

A.—Showing original suits instituted, disposed of and pending in Civil Courts in the Province of Oudh in 1885 *as compared with the figures for* 1884.

District.	Court.	*Instituted.*		*Modified.*		*Pending.*		Remarks.
		1884.	1885.	1884.	1885.	1884.	1885.	
1	2	3	4	5	6	7	8	9
Lucknow	Regular	2,222	2,030	2,389	2,028	193	248	
	Small Cause Court ...	...	...	...	...	...	...	
Unao	Regular	2,059	2,386	2,131	2 303	168	310	
	Small Cause Court ...	2,401	2,036	2,393	2,097	109	66	
Bara Banki ...	Regular	1,957	1,887	2,065	2 191	351	137	
	Small Cause Court ...	452	514	442	528	17	11	
Sitapur	Regular	4,457	4,421	4,453	4,581	360	293	
	Small Cause Court ...	44	229	43	230	4	8	
Hardoi	Regular	2,937	2,481	3,075	2,534	251	205	
	Small Cause Court ...	1,089	1,025	1,089	1,002	32	67	
Kheri	Regular	2,512	2,016	2,595	2,871	205	351	
	Small Cause Court ...	125	...	125	...	...	...	
Fyzabad	Regular	2,918	2,614	3,199	3,046	567	317	
	Small Cause Court ...	1,897	2,031	2,000	1,983	161	180	
Bahraich	Regular	3,396	3,623	3,266	3,610	522	620	
	Small Cause Court ...	2,301	2,508	2,354	2,540	118	91	
Gonda	Regular	5,231	4,195	6,090	4,146	650	823	
	Small Cause Court ...	528	1,655	697	985	36	734	
Rae Bareli	Regular	3,064	2,743	3,245	2,855	214	262	
	Small Cause Court ...	...	...	...	...	...	...	
Sultanpur	Regular	2,043	2,835	2 077	2,761	419	552	
	Small Cause Court ...	941	706	1,020	714	44	40	
Partabgarh ...	Regular	2,706	3,177	2,753	3,351	404	378	
	Small Cause Court ...	...	...	...	...	...	...	
	Total ...	46,090	46,012	48,121	48,356	4,885	5,703	

B.—Showing the work done by District Judges in 1885 *in the Province of Oudh.*

District.	Original suits.	*Miscellaneous cases.*		*Appeals.*		Sessions trials.	Criminal appeals.	Criminal applications for revision.	Remarks.
		Applications for execution of decrees.	Judicial.	Regular.	Miscellaneous.				
Lucknow	35	385	209	420	55	...	...	...	
Sitapur	16	54	114	602	87	...	...	...	
Fyzabad	19	46	104	938	169	...	...	...	
Rae Bareli	14	58	112	1,088	13	...	...	...	
Total ...	84	543	539	3,007	324	...	...	...	

C.—Showing the work done by Subordinate Judges in 1885 in the Districts of the Province of Oudh.

District.	Jurisdiction.	Suits.				Miscellaneous cases.		Appeals.	
		Withdrawn &c.	Decided ex-parte.	Contested.	Total.	Application for execution of decree.	Judicial.	Regular.	Miscellaneous.
Lucknow ...	Regular	72	30	135	243	574	176	234	4
	Small Cause Court	...	...	...	...	...	...	...	...
Unao ...	Regular	114	31	209	354	272	116	100	1
	Small Cause Court	143	38	91	272	95	...	...	...
Bara Banki ...	Regular	113	18	241	372	539	137	17	...
	Small Cause Court	113	20	87	220	17	...	...	...
Sitapur ...	Regular	261	57	294	612	428	170	...	...
	Small Cause Court	62	53	115	230	79	10	...	...
Hardoi ...	Regular	91	25	152	268	340	103	...	...
	Small Cause Court	609	137	256	1,002	381	55	...	...
Kheri ...	Regular	723	126	312	1,161	473	126	...	...
	Small Cause Court	...	...	...	...	...	...	...	...
Fyzabad ...	Regular	223	27	341	591	446	130	99	3
	Small Cause Court	578	152	477	1,207	400	76	...	...
Bahraich ...	Regular	53	14	181	248	317	102	...	...
	Small Cause Court	1,126	275	1,139	2,540	750	207	...	...
Gonda ...	Regular	80	8	175	263	602	164	210	19
	Small Cause Court	509	184	232	985	252	21	...	...
Rae Bareli ...	Regular	163	39	208	410	445	143	...	...
	Small Cause Court	..	...	...	...	...	...	...	...
Sultanpur ...	Regular	127	8	333	468	338	148	136	6
	Small Cause Court	309	106	299	714	318	23	...	...
Partabgarh ...	Regular	755	190	527	1,472	891	215	...	...
	Small Cause Court	..	...	...	...	...	...	...	...
	Total ...	6,284	1,553	5,804	13,641	7,906	2,188	796	33

D.—Showing the work done by Munsifs in 1885, *in the Districts of the Province of Oudh.*

District.	Munsifi.	Jurisdiction.	Suits.				Miscellaneous.	
			Withdrawn, compromised, confessed.	Decided ex parte.	Contested.	Total.	Applications for execution of decrees.	Judicial.
Lucknow ...	Munsifi North ...	Regular ...	383	80	342	805	568	166
	Munsifi South ...	Ditto ...	374	90	444	908	808	178
Unao ...	Purwa ...	Ditto ...	129	23	198	350	317	63
		Small Cause Court...	364	60	177	601	205	38
	Safipur ...	Regular ...	242	33	323	598	507	88
		Small Cause Court...	407	61	314	842	238	57
	Unao ...	Regular ...	379	79	291	749	415	198
		Small Cause Court...	234	27	121	382	79	...
Bara Banki ...	Ramsanehighát ...	Regular ...	564	95	545	1,204	606	175
	Fatehpur ...	Ditto ...	283	52	323	608	379	102
		Small Cause Court...	170	29	100	299	31	10
Sitapur ...	Sitapur ...	Regular ...	1,101	227	794	2,122	877	236
	Biswan ...	Ditto ...	759	166	410	1,335	493	103
Hardoi ...	Bilgram ...	Ditto ...	352	121	324	797	553	174
	Shahabad ...	Ditto ...	413	101	286	800	469	225
Kheri ...	Muhamdi ...	Ditto ...	524	133	349	1,006	478	164
Fyzabad ...	Fyzabad ...	Ditto ...	731	176	1,033	1,940	841	229
		Small Cause Court...	52	6	29	87	35	16
	Akbarpur ...	Regular ...	155	27	314	496	634	68
		Small Cause Court...	339	97	253	689	138	21
Bahraich ...	Kaisarganj ...	Regular ...	1,444	329	564	2,337	789	261
Gonda ...	Gonda ...	Ditto ...	670	279	544	1,493	808	240
	Utraula ...	Ditto ...	632	225	450	1,307	570	107
	Tarabganj ...	Ditto ...	458	126	499	1,083	432	116
Rae Bareli ...	Rae Bareli ...	Ditto ...	448	155	510	1 113	702	160
	Dalmau ...	Ditto ...	530	180	400	1,110	804	166
Sultanpur ...	Sultanpur ...	Ditto ...	569	141	482	1,192	610	215
	Musafirkhana ...	Ditto ...	449	87	565	1,101	538	98
Partabgarh ...	Partabgarh ...	Ditto ...	470	180	362	1,012	544	135
	Kunda ...	Ditto ...	428	102	245	775	487	94
	Total ...		14,063	3,487	11,591	29 141	15,045	3,898

E.—Showing the work done by Court of Small Causes in 1885 *in the districts of the Province of Oudh.*

Districts.	Courts.	Jurisdiction.	Suits.				Miscellaneous cases.		Appeals.	
			Withdrawn, compromised, confessed.	Decided ex parte.	Contested.	Total.	Application for execution of decrees	Judicial.	Regular.	Miscellaneous.
Lucknow City S. C. Court	City Small Cause Court,	S. C.	2,526	1,668	1,635	5,829	4,741	239	...	...
Lucknow ...	Lucknow Cantonment ...	S. C. & C. M.	182	53	106	341	191	3	...	...
Fyzabad ...	Fyzabad Cantonment ...	Ditto	32	1	46	93	22	1	...	...
	Total ...	...	2,740	1,736	1,787	6,263	4,954	243	...	..

G.—Statement showing Court-fees (other than process-fees) realized in the Civil Courts in the province of Oudh, during the year 1885.

District.	*Ad valorem fees.*			*Fixed fees.*		Gross fees realized.	Refunds under sections 10, 13, 14, 15, Act VII. of 1870, and under Notification No. 2768, dated 30th April 1874, and under Rule 58, or C. O. No. 12 of 1882.	Net fees realized.	Remarks.
	On plaints memoranda of appeals, and applications for review of judgment.	On copies and translations.	On certificates, probates and letters of administration.	On plaints and memoranda of appeals.	On other documents.				
1	2	3	4	5	6	7	8	9	10
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Lucknow	52,994 0 0	1,604 12 0	3,208 8 0	770 0 0	9,511 4 0	68,088 8 0	1,792 8 0	66,296 0 0	
Unao	30 253 13 0	929 4 0	315 0 0	425 0 0	4,059 6 0	35,982 7 0	98 10 0	35,883 13 0	
Bara Banki...	17,757 0 0	2,140 1 0	324 0 0	225 0 0	1,555 9 0	22,001 10 0	...	22,001 10 0	
Sitapur	35,863 14 0	1,044 13 0	1,017 0 0	225 0 0	2,943 1 0	41,093 12 0	304 6 0	40,789 6 0	
Hardoi	21,437 10 0	1,895 12 0	...	330 0 0	2,914 6 0	26,577 12 0	...	26,577 12 0	
Kheri	11,825 10 0	200 9 0	...	180 0 0	761 9 0	13,057 12 0	...	13,057 12 0	
Fyzabad	48,104 5 0	2,707 8 0	313 0 0	1,285 0 0	5,863 3 0	58,273 0 0	280 6 0	57,992 10 0	
Bahraich	18,310 5 0	860 6 0	...	315 0 0	806 8 0	20,292 3 0	...	20,292 3 0	
Gonda	25,083 6 0	804 13 0	...	615 0 0	3,420 3 0	29,923 6 0	18 0 0	29,905 6 0	
Rae Bareli	29,891 2 0	1,601 8 0	132 0 0	516 8 0	2,301 12 0	34,442 14 0	1,278 6 0	33,164 8 0	
Sultanpur	5,013 3 0	506 13 0	...	13 562 14 0	936 15 0	20,019 13 0	7 0 0	20,012 13 0	
Partabgarh	14,301 9 0	1,058 8 0	...	255 3 0	2,266 13 0	17,882 1 0	1 7 0	17,880 10 0	
Total ...	3,10,835 13 0	15,454 11 0	5,309 8 0	18,714 9 0	37,340 9 0	3,87,635 2 0	3,780 11 0	3,83,854 7 0	
High Court of the Province of Oudh.	31,360 13 0	414 0 0	...	7,339 6 0	...	39,614 3 0	...	39,614 3 0	
Grand Total ...	3,42,696 10 0	15,858 11 0	5,309 8 0	26,053 15 0	37,340 9 0	4,27,249 5 0	3,780 11 0	4,23,468 10 0	

II.—Statement showing the Income and Expenditure of the Civil Courts in the province of Oudh, during the year 1885.

District.	Income.							Expenditure.							
	Net value of stamps exclusive of those used to denote process fees.	Duty and penalties on instruments not duly stamped.	Fines.	Net process fees. Fees for employment of amins.	Net process fees. Other fees.	Judicial record fund.	Sale proceeds of unclaimed property of intestates (regulation 5 of 1799).	Total.	Salaries of officers presiding over Civil Courts and of their establishments, the full salaries of the Judges and establishment of High Court and half salaries of District and Sessions Judges and their subordinates who are employed on criminal as well as the civil side being entered.	Process serving establishment. (a) Central nazir, nazirs, bailiffs and nazarat office chaprasis.	Process serving establishment. (b) Process serving peons.	Amin establishment.	Judicial record fund.	Total.	Surplus.	Deficit.
1	2	3	4	5	6	7	8	9	10	11		12	13	14	15	16
	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Lucknow ...	66,296 0 0	52 9 0	29 0 0	...	6,771 11 0	5,573 14 0	...	78,723 2 0	42,943 2 9	1,762 7 1	3,613 10 9	...	2,482 8 5	50 801 13 0	27 921 5 0	...
Unao ...	35,883 13 0	319 8 0	158 7 0	...	7,960 11 0	2,913 8 0	...	47,235 15 0	24,553 14 1	1,138 3 1	4,199 3 11	...	1,204 11 9	31,096 0 10	16,139 14 2	...
Bara Banki ...	22 001 10 0	174 10 0	47 0 6	..	5,767 15 0	2,497 6 0	...	30 488 9 6	16 464 2 0	900 0 0	3,132 7 11	...	956 4 5	21,452 14 4	9,035 11 2	...
Sitapur ...	40.789 6 0	92 2 0	10 0 0	...	6,517 6 0	2,559 15 0	...	50,268 13 0	39 892 2 4	1.200 0 0	4 052 6 7	...	1,542 13 5	46,687 6 4	3,581 6 8	...
Hardoi ...	26,577 12 0	119 2 0	0 8 0	..	6.907 7 7	2,634 8 0	...	36,239 5 7	21,796 4 4	1,020 0 0	3,631 13 4	...	1.297 7 3	27,745 8 11	8,493 12 8	...
Kheri ...	13,057 12 0	37 0 0	5 0 0	...	3 985 4 0	1,254 7 0	...	18,339 7 0	12.991 3 1	775 0 0	2 065 4 9	...	450 13 9	16.282 5 7	2,057 1 5	...
Fyzabad ...	57,992 10 0	915 14 0	11 12 0	...	8,444 4 0	6,571 6 0	...	73,935 14 0	48,600 11 0	1,155 3 5	3,575 7 2	...	3,287 12 6	56,619 2 1	17 316 11 11	...
Bahraich ...	20,292 3 0	215 8 0	1 0 0	...	6 084 6 0	856 8 0	...	27.449 9 0	14,674 5 3	779 0 0	2,977 11 9	...	352 12 6	18 783 13 6	8,665 11 6	...
Gonda ...	29,905 6 0	167 9 0	4 15 0	...	7,490 0 0	2 219 2 0	...	39,787 0 0	20 447 13 6	1,180 0 0	3,657 12 0	...	1,167 11 10	26,453 5 4	13,333 10 8	...
Rae Bareli ...	33,164 8 0	237 8 0	10 0 0	...	6 236 11 0	3,165 0 0	..	42,813 11 0	34,074 10 3	2,950 2 1	2,926 4 8	...	1,651 13 8	41,602 14 8	1,210 12 4	...
Sultanpur ...	20,012 13 0	657 14 0	3 0 0	...	5,919 6 0	1,794 12 0	...	28,387 13 0	18,221 12 2	900 0 0	2,599 13 3	...	933 12 8	22.655 6 1	5,732 6 11	...
Partabgarh ...	17,880 10 0	122 14 0	19 0 0	..	6.423 1 0	1,135 7 0	...	25 581 0 0	18,761 15 3	240 0 0	2,374 9 9	...	643 14 6	20,020 7 6	3 560 8 6	...
Total ...	3,83,854 7 0	3,112 2 0	299 10 6	...	78,808 2 7	33,175 13 0	...	4,99,250 3 1	3,13,422 0 0	13,999 15 8	38,806 9 10	...	15,972 8 8	3,82,201 2 2	1,17,049 0 11	...
High Court of Province of Oudh.	39,614 3 0	...	...	..	2,266 8 0	2,174 2 0	...	44,054 13 0	78,087 13 4	240 0 0	272 4 0	...	1,958 6 9	80,558 8 11	...	36,503 11 11
Grand Total,	4,23,468 10 0	3,112 2 0	299 10 6	...	81,074 10 7	35,349 15 0	...	5,43,305 0 1	3,91,509 13 4	14,239 15 8	39,078 13 10	...	17,930 15 5	4,62,759 11 1	1,17,049 0 11	36,503 11 11

PROVINCIAL STATEMENT No. XV. (CIVIL AND RENT).

Showing the detention of witnesses before Civil and Rent Courts in suits miscellaneous cases and in cases of execution of decree in the Courts of the Districts of the province of Oudh for the year 1885.

	Discharged after being in attendance.										
	1 day.	2 days.	3 days.	4 days.	5 days.	6 days.	7 days.	8 days.	9 days.	16 to 23 days.	Total.
Civil Courts.											
Lucknow	15,584	337	66	3	5	...	...	...	...	...	15,995
Sitapur	9,458	316	56	22	8	...	...	...	...	...	9,860
Fyzabad	12,895	217	2	...	...	...	...	...	...	...	13,114
Rae Bareli	13,232	359	68	17	1	...	...	...	...	...	13,077
Total ...	51,169	1,229	192	42	14	...	...	...	...	...	52,046
Small Cause Courts.											
Lucknow City Small Cause Court,	2,524	55	...	...	...	...	...	...	...	...	2,579
Lucknow Cantonment ditto ...	202	...	...	...	...	...	...	...	...	...	202
Fyzabad ditto ditto ...	43	...	...	...	...	...	...	...	...	...	43
Total ...	2,769	55	...	...	...	...	...	...	...	...	2,824
Rent Courts.											
Lucknow	667	1	2	...	...	...	...	...	...	...	670
Unao	2,473	98	49	...	...	...	...	...	...	...	2,620
Bara Banki	1,186	11	6	1	...	...	...	...	...	...	1,204
Sitapur	693	14	1	1	...	...	...	...	...	...	709
Hardoi	1,970	56	12	...	...	...	...	...	...	...	2,038
Kheri	372	14	9	6	...	...	...	...	...	...	401
Fyzabad	1,143	4	...	...	...	...	...	...	...	...	1,147
Bahraich	674	15	...	...	...	...	...	...	...	...	689
Gonda	1,411	11	...	...	...	...	...	...	...	...	1,422
Rae Bareli	1,753	32	5	...	...	...	...	...	...	...	1,790
Sultanpur	1,051	36	7	3	2	...	...	...	...	...	1,099
Partabgarh	2,122	26	13	...	...	...	...	...	...	...	2,161
Total ...	15,515	318	104	11	2	...	...	...	...	...	15,950

PROVINCIAL RETURN No. XVI. (Civil and Rent).

Statement showing the Receipts and Disbursements on account of processes in the Courts of the Province of Oudh during the year 1885.

Districts.	Number of servers employed.	Aggregate number of processes served.	Average number per server.	Receipts.				Disbursements.						Remarks.
				Balance from last year.	Value of fees received within the year.	Remittances from other provinces.	Total.	Pay of supervising establishment, including nazarat and bailiff.	Pay of peons.	Pension fund 12 per cent.	Contingencies and refunds.	Total.	Surplus or deficit.	
					Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
District Judge, Lucknow ...	156	67,308	431	...	20,246 15 0	2 2 0	20,249 1 0	2,800 14 2	10,912 1 3	1,645 8 9	421 6 6	15,779 14 8	+4,469 2 4	
Ditto, Sitapur ...	131	49,960	381	...	17,684 15 0	25 2 0	17,710 1 0	2,995 0 0	9,749 8 8	1,169 15 0	620 15 0	14,535 6 8	+3,174 10 4	
Ditto, Fyzabad ...	142	68,069	496	...	21,969 6 0	5 12 0	21,975 2 0	3,115 3 5	9,696 8 7	1,537 6 6	575 1 6	14,924 4 0	+7,050 14 0	
Ditto, Rae Bareli ...	109	49,292	452	...	18,100 11 0	129 10 0	18,230 5 0	2,829 3 5	7,900 6 11	1,287 9 2	577 6 2	12,594 9 8	+5,635 11 4	
Total ...	538	2,34,629	436	...	78,001 15 0	162 10 0	78,164 9 0	11,740 5 0	38,258 9 5	5,640 7 5	2,194 13 2	57,834 3 0	+20,330 6 0	
Small Cause Court, city Lucknow ...	44	19,576	443	...	5,321 12 0	6 0 0	5,327 12 0	1,218 5 8	3,043 14 2	511 7 6	40 0 0	4,813 11 4	+514 0 8	
Ditto, cantonment Lucknow ...	2	1,071	535	...	266 12 0	...	266 12 0	144 0 0	132 0 0	33 1 11	...	309 1 11	−42 5 11	
Ditto, ditto Fyzabad ...	1	267	267	...	43 8 0	...	43 8 0	...	72 0 0	8 10 0	1 0 0	81 10 0	−38 2 0	
Total ...	47	20,854	443	...	5,632 0 0	6 0 0	5,638 0 0	1,362 5 8	3,247 14 2	553 3 5	41 0 0	5,204 7 3	+433 8 9	
Rent.														
Deputy Commissioner, Lucknow ...	42	21,927	522	...	7,418 7 0	...	7,418 7 0	1,690 0 0	2,458 14 7	497 13 10	373 15 6	5,020 11 11	+2,397 11 1	
Ditto, Unao ...	39	31,659	891	...	8,058 2 0	...	8,058 2 0	1,416 0 0	2,842 13 3	510 13 0	84 14 0	4,854 8 3	+3,203 9 9	
Ditto, Bara Banki ...	38	23,488	618	...	6,074 7 0	...	6,074 7 0	1,176 0 0	2,511 5 3	442 3 0	...	4,129 8 3	+1,944 14 9	
Ditto, Sitapur ...	14	8,445	603	...	3,039 14 0	...	3,039 14 0	1,351 0 0	1,001 3 11	282 4 4	25 0 0	2,659 8 3	+380 5 9	
Ditto, Hardoi ...	41	20,385	497	...	5,595 1 0	...	5,595 1 0	1,416 0 0	2,694 3 8	493 3 7	62 8 0	4,665 15 3	+929 1 9	
Ditto, Kheri ...	12	6,496	541	...	2,066 8 0	...	2,066 8 0	472 12 4	839 8 1	157 7 6	42 8 0	1,512 3 11	+554 4 1	
Ditto, Fyzabad ...	52	31,081	597	...	7,729 0 0	...	7,729 0 0	1,596 0 0	3,739 2 10	448 11 3	22 4 0	5,806 2 1	+1,922 13 11	
Ditto, Gonda ...	55	28,971	526	...	7,421 13 0	...	7,421 13 0	849 0 0	3,788 2 0	556 7 2	130 4 3	5,323 13 5	+2,097 15 7	
Ditto, Bahraich ...	21	10 414	2,197	...	3,028 15 0	...	3,028 15 0	1,032 0 0	1.480 8 0	301 8 0	...	2,814 0 0	+214 15 0	
Ditto, Rae Bareli ...	30	14,757	491	...	4,491 9 0	1 8 0	4,493 1 0	1,476 0 0	2,065 0 4	424 14 9	7 7 6	3,973 6 7	+519 10 5	
Ditto, Sultanpur ...	64	36,061	563	...	9,389 11 0	7 8 0	9,397 3 0	1,290 0 0	4,452 1 5	689 0 9	62 4 0	6,493 6 2	+2,903 12 10	
Ditto, Partabgarh ...	42	22,660	539	...	5,882 14 0	6 0 0	5,888 14 0	1,032 0 0	2,878 9 10	469 4 4	82 14 9	4,462 12 11	+1,426 1 1	
Total ...	450	2,56,344	569	...	70,196 5 0	15 0 0	70,211 5 0	14,796 12 4	30,751 9 2	5,273 11 6	894 0 0	51,716 1 0	+18,495 4 0	

PROVINCIAL RETURN No. XVIII. (CIVIL AND RENT).

Statement showing Receipts and Disbursements on account of Sale Commission Fund in the Districts of the province of Oudh, during the year 1885.

	Receipts.	Disbursements.			Balance.	Payable to Nazirs, &c., under para. 15, Circular No. 24 of 1872.	Remarks.
	Value of fees received within the year.	Pay of peons.	Contingencies.	Total.			
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Civil.							
Lucknow	1,474 10 4	502 0 0	...	502 0 0	972 10 4	243 2 6	
Sitapur	1,256 6 8	508 8 11	...	508 8 11	747 13 9	186 15 5	
Fyzabad	1,757 12 6	314 4 2	0 11 6	314 15 8	1,442 12 10	360 11 2	
Rae Bareli	1,117 2 9	405 3 2	...	405 3 2	711 15 7	177 15 10	
Total ...	5,606 0 3	1,730 0 3	0 11 6	1,730 11 9	3,875 4 6	968 12 11	
Small Cause Court.							
Lucknow City Small Cause Court	312 4 6	144 0 0	...	144 0 0	178 4 6	42 1 1	
Ditto Cantonment ditto	16 9 2	...	...	...	16 9 2	4 2 3	
Fyzabad ditto ditto	4 4 3	...	...	...	4 4 3	1 1 0	
Total ...	333 1 11	144 0 0	...	144 0 0	199 1 11	47 4 4	
Rent.							
Lucknow	193 8 0	...	...	...	193 8 0	48 6 0	
Unao	255 1 9	...	...	...	255 1 9	63 12 4	
Bara Banki	65 3 9	...	...	...	65 3 9	16 4 11	
Sitapur	119 12 4	72 0 0	...	72 0 0	47 12 4	11 15 1	
Hardoi	224 4 5	...	...	...	224 4 5	56 1 1	
Kheri	71 15 3	...	...	...	71 15 3	17 15 9	
Fyzabad	579 14 11	288 0 0	...	288 0 0	291 14 11	72 15 9	
Bahraich	421 13 6	...	...	...	421 13 6	105 7 4	
Gonda	385 0 9	...	...	...	385 0 9	96 4 1	
Rae Bareli	221 10 0	...	...	...	221 10 0	55 6 6	
Sultanpur	430 10 10	180 0 0	...	180 0 0	250 10 10	62 10 8	
Partabgarh	142 4 0	72 0 0	10 2 0	62 2 0	60 2 0	15 0 6	
Total ...	3,111 3 6	612 0 0	10 2 0	622 2 0	2,489 1 6	622 4 0	

ORDERS OF GOVERNMENT.

No. $\frac{32}{\text{VII—340}}$ OF 1887.

FROM

THE SECRETARY TO GOVERNMENT,

N.-W. PROVINCES AND OUDH,

To

THE JUDICIAL COMMISSIONER OF OUDH.

DATED ALLAHABAD, THE 15TH JANUARY, 1887.

SIR,

JUDICIAL DEPT. (CIVIL).

I AM directed to acknowledge your report on the Administration of Civil Justice in Oudh for the year ending 31st December, 1885. It was due on May 15th, but did not leave the Press till the 29th October. The causes to which you attribute the delay in its submission will not recur, and its punctual receipt in the present year is expected.

2. The total number of civil suits was 52,201, or one to every 210 of the population, against 51,995 in 1884. The increase was confined to the Courts of Small Causes; in the ordinary civil courts the institutions were 35,306, or 886 less than in the previous year. The total value of the subject-matter fell from Rs. 66,74,075 to Rs. 59,58,453, and the average value in each suit in the ordinary civil courts from Rs. 170-11-0 to Rs. 154-11-0. In consequence of the decrease in the total value of the litigation, the net stamp receipts fell to Rs. 4,23,469, being Rs. 47,092 below the receipts for 1884. The income from all sources in civil courts was Rs. 5,43,305 against Rs. 5,98,395 in the year before; while the expenditure, owing to the appointment for six months of an Additional Judicial Commissioner, rose from Rs. 4,33,498 to Rs. 4,64,760. There was thus a net surplus of Rs. 80,545. These figures contrast very remarkably with those for the same period in the North-Western Provinces, where during the same period one suit was instituted for every 352 units of population; the average value of each suit was Rs. 271, and the net profit to the State Rs. 8,50,781, or more than three times as great in relation to the size of the province as in Oudh. The number of suits in which the value was Rs. 10 or under was in the North-Western Provinces less than one-tenth of the total number of institutions; while in Oudh it was as much as one-third. If the value brought into court is compared with the total population, we find that it was 12 annas per head in the former, and less than 7 annas in the latter province. The comparison may indicate that while the people of Oudh are much more ready to appeal to the courts, the amount of property which forms the subject of litigation is relatively very much smaller.

3. Seventeen per cent. of the suits in ordinary civil courts were dismissed for default. It is probable, as you say, that this may generally be explained by amicable settlements out of court; but the point deserves continuous attention; and the Lieutenant-Governor observes

that one Munsif has been called upon for an explanation of the irregular attendance at court with which he is charged by his District Judge. Less than 35 per cent. of the suits instituted were contested, and in two-thirds of the contested suits decree was given in favour of the plaintiff. The proportion of suits on verbal contracts to the whole number of institutions was 17 per cent., or almost exactly the same as it had been in the preceding year. In the North-Western Provinces this class of suits furnished only 7 per cent. of the whole.

4. There was a slight falling-off in the total number of suits disposed of, and an increase in the number pending at the end of the year, which is partly accounted for by the abnormally heavy litigation in the Subordinate Judgeship of Gonda, where it has since been found necessary to appoint an Additional Munsif to reduce the arrears. The decrease in the average duration of contested suits in ordinary civil courts from 71 days to 56 is satisfactory. The returns for the Fyzabad Judgeship, where the average duration in all courts fell from 76 to 36 and in the District Judge's from 217 to 46 days, are especially creditable; and compare favourably with the figures for the Rae Bareli Judgeship. There was a larger number of applications for execution of decree, and in as many as 38·24 per cent. of the cases the debt was realized in full. The number of processes for the arrest or imprisonment of the judgment-debtor decreased from 656 to 563, and recourse was had to this form of coercion in only 1·7 per cent. on the whole number of executions. The total sum realized through the instrumentality of the courts rose from Rs. 9,84,283 to Rs. 10,64,738.

5. The regular appeals before District and Subordinate Judges were 3,614, or in the proportion of 7 per cent. to the total number of institutions. In the North-Western Provinces the proportion of appeals to institutions was much higher, being nearly 12 per cent., and this affords a further indication of the comparatively trivial character of the mass of the litigation in the courts over which you preside. In contested cases in which judgment was given, 70 per cent. of the orders appealed against were confirmed, and only 16 per cent. reversed, the remainder having been either modified or remanded for further investigation. The results were creditable to the courts of first instance. The heavy arrears of appellate work in your court with which the year opened were cleared by the efforts of yourself and of the Additional Judicial Commissioner.

6. There were 31,856 rent suits, against 30,957 in 1884, and the chief points for remark are a slight decrease of claims for arrears of rent and a considerable increase of contested notices of ejectment in all districts except Kheri and Bahraich. The general economic bearings of the rent litigation have already been fully dealt with in the Oudh Revenue Department, and need not be considered here.

7. With reference to your remarks upon the frequency of *ex parte* decrees in the courts of certain officers, and the unpunctuality which it probably discloses, I am to suggest that the disposal of appeals from the decision of courts subordinate to you must give you an insight

into the methods and character of their work, which it is not in the power of the executive authorities to acquire; and I am to add that the Lieutenant-Governor trusts that he may rely upon your exercising full control over this branch of the judicial administration. The regular and punctual disposal of rent suits is a most important matter, and the Commissioners will be requested to look into it carefully. The large proportion of cases decided *ex parte* or in default in Rae Bareli and Sultanpur may probably be explained by the issue of summonses for attendance at a too early date, and an unwillingness to give occasional postponements in order to enable the parties to reach the place where the court is sitting. These are defects which can and should be easily remedied.

8. Generally, the working of the rent-courts has been satisfactory, and it may be hoped that the reduced pressure on the civil side of your court will enable you to diminish in some degree the average duration of the rent appeals that are preferred to you. The collections in execution of decree were good, and in six districts more than 50 per cent. of the claims were realized in full.

I have the honor to be,

SIR,

Your most obedient servant,

W. C. BENETT,

Secy. to Govt., N.-W. P. and Oudh.